

Applicant : Shengfang Jin
Serial No. : 09/774,490
Filed : January 31, 2001
Page : 8 of 9

Attorney's Docket No.: 07334-138001 / MPI00-041P1R

REMARKS

Claims 26, 27, 37, 38, 45 and 46 have been cancelled. Claims 23, 33 and 34 have been amended to specify that the recited gene is endogenous to the eukaryotic cell. No new matter has been added.

Rejections Under 35 U.S.C. §112, first paragraph (written description)

The examiner rejected claims 23-27, 29-38, 41-46 and 49-65 as failing to meet the written description requirement. The examiner stated that the rejected claims failed to meet the written description requirement because the application does not provide a written description of the regulatory region of the gene encoding SEQ ID NO:1.

Independent claims 23, 33 and 34 are drawn to methods for determining whether a test compound is a candidate compound for altering the drug resistance of an eukaryotic cell. The methods include "determining the level of expression of a gene encoding a polypeptide comprising the amino acid sequence encoded by the nucleotide sequence of SEQ ID NO:1 in an eukaryotic cell" These independent claims have been amended to specify that the recited gene is endogenous to the eukaryotic cell. Because the recited gene is endogenous to the eukaryotic cell employed in the presently claimed methods, it is believed that the claims meet the written description requirement of 35 U.S.C. §112, first paragraph, and applicants respectfully request that this rejection be withdrawn.

Rejections Under 35 U.S.C. §112, first paragraph (enablement)

The Examiner rejected claims 23-25, 27, 29-36, 38, 41-46, 49 and 50-65 as failing to meet the enablement requirement. The examiner stated that while the claims are enabled "for methods using a cell which expresses SEQ ID NO:1 from an endogenous gene" they are not enabled for methods using a cell which expresses SEQ ID NO:1 from an expression vector. The independent claims have been amended to specify the use of eukaryotic cells in which the recited gene is endogenous to the eukaryotic cell. In view of this, applicants respectfully request that the

Applicant : Shengfang Jin
Serial No. : 09/774,490
Filed : January 31, 2001
Page : 9 of 9

Attorney's Docket No.: 07334-138001 / MPI00-041P1R

rejections based on the enablement requirement of 35 U.S.C. §112, first paragraph, be withdrawn.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

January 6, 2005


Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21002308.doc